

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CV-44-H

DIANNE MICHELE CARTER EL-BEY,)
)
Plaintiff,)
)
)
v.)
)
)
THE NORTH CAROLINA STATE BAR,)
DAVID R. JOHNSON, in his)
private capacity, and PAUL G.)
GESSNER, in his private)
capacity.)
)
Defendants.)

ORDER

This matter is before the court for frivolity review. Magistrate Judge Kimberly A. Swank filed an Order and Memorandum and Recommendation ("M&R") granting plaintiff's application to proceed in forma pauperis, and recommending that plaintiff's notice of removal against defendants be dismissed. In response, plaintiff filed a document entitled "Amended Complaint/Jurisdictional Challenge and Objections to Memorandum

and Recommendation dated 11 August 2015." This matter is ripe for adjudication.

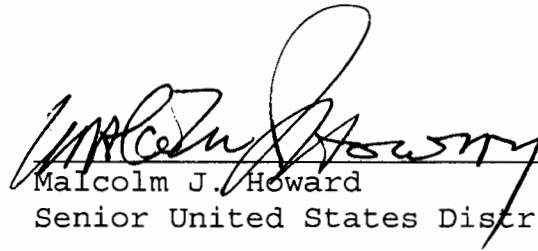
A review of plaintiff's objections reveals them to be meritless. She notes her status as "a living breathing flesh and blood, AMERICAN MOOR—ONE OF THE ORIGINAL COPPER COLORED PEOPLE whose ancestors, WE THE PEOPLE, inhabited these United States prior to the European Colonial Inquisition." [Objections at 1, DE #9.] She notes that she is the "posterity" referenced in the Constitution's preamble. Id. While plaintiff attempts to allege jurisdiction based on due process, she does not attempt to show how her removal was proper under the required statutes.

Furthermore, a full and careful review of the M&R and other documents of record convinces the court that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved.

CONCLUSION

Accordingly, the court adopts the recommendation of the magistrate judge as its own; and for the reasons stated therein, the plaintiff's Notice of Removal is hereby stricken and this matter is remanded to the Superior Court of Wake County, North Carolina. To the extent plaintiff attempts to allege any claims independent of the attempted removal, those claims are dismissed as frivolous. The clerk is directed to close this case.

This 28⁷⁰ day of September 2015.


Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
#26